UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.650*
27 November 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 650th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 22 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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GE.00-44615 (E)

The meeting was called to order at 5.05 p.m.

GENERAL DISCUSSION ON "STATE VIOLENCE AGAINST CHILDREN" (agenda item 5) (continued)

1. The CHAIRPERSON invited the two Working Groups established at the preceding meeting to report on their deliberations.

2. Ms. BECKER (Rapporteur of Working Group 1: Mistreatment, Abuse and Neglect in the Care of the State) said that both working groups jointly recommended that consideration should be given to initiating an in-depth international study to explore the different types of violence of which children were victims (State violence, as well as violence in the home and in schools) and to identify their causes, the extent of such violence and its impact on children. Such a study could explore the links between the various provisions of the Convention on the Rights of the Child and other international human rights treaties. It would produce information on the activities of the various human rights mechanisms and United Nations bodies and agencies, and the extent to which they addressed the question of violence against children. The study should yield recommendations regarding actions to be taken, including effective remedies and preventive measures. The Committee might issue a set of general comments on different forms of violence against children, informed by the ab ve-mentioned study.

3. The two working groups further recommended that all States should be urged to give priority attention to violence against children at the special session on children of the United Nations General Assembly, due to take place in 2001, and to include steps to eliminate such violence in its resulting plan of action. Consideration should be given to the appointment of special rapporteurs on street children and on violence against children. Alternatively, effective measures should be taken to strengthen existing mechanisms and to ensure that violence against children and the situation of street children was adequately addressed by the United Nations system. For example, the Office of the High Commissioner for Human Rights should be encouraged to organize a special workshop for all relevant special rapporteurs and other mechanisms to study the issue of violence against children, and ways in which the United Nations organs could more effectively address it in their work.

4. Lastly, the two working groups recommended that consideration should be given to the drafting and adoption of a protocol to the Convention on the Rights of the Child to allow for individual complaints by children, as well as to expanding the scope of the United Nations Voluntary Fund for Victims of Torture to provide for children who were victims of violence.

5. Working Group 1 specifically recommended that the Committee should urge States parties to the Convention to review their current legislation so as to prohibit all forms of violence against children, including the use of corporal punishment and other violent measures of discipline, to introduce periodic judicial review of placement decisions, and to set down minimum standards of care for children.

6. The Committee might encourage the launching of public information campaigns involving non-governmental organizations (NGOs), United Nations human rights bodies and other United Nations agencies, in order to raise awareness of the seriousness of child rights violations and to combat cultural acceptance of violence against children.

7. With regard to prevention and alternatives to institutionalization, States parties should promote the use of alternatives to child care in large, impersonal institutions, making particular use of "open houses". Families should also be supported in their efforts to care for their own children. Where children had to be placed in institutions, the latter should be small and served by trained staff, ensuring that the child maintained contact with his or her family and the outside world.

8. States parties, in partnership with NGOs and competent experts, should ensure that all relevant professional groups, especially health professionals, members of the security forces, judges, lawyers, etc., received appropriate child rights education, which should include human rights standards, non-violent methods of discipline, and alternatives to institutionalization.

9. Urgent attention should be given to the establishment - or effective functioning if already in existence - of systems to monitor the treatment meted out to children deprived of a family and to advise on their improved care. Such a system should be independent, provide unrestricted access to public and private institutions, and allow unannounced visits and private interviews with the children. Emphasis must be placed not only on care conditions, but also on regular review of the justification for continued placement.

10. Effective complaint procedures should be established for children and their representatives regarding their treatment and care conditions in institutions. Children should be involved in the design of such mechanisms, and safeguards should be put in place to protect children from retribution as a result of complaints. NGOs and other members of civil society should also be able to lodge complaints.

11. The Committee should draw the attention of States parties, United Nations bodies, and organizations of civil society to the need to allocate adequate resources to the protection of children in care or in conflict with the law, so as to ensure their effective protection from all forms of violence.

12. The Committee should encourage NGOs to devote greater attention to the protection of children against State violence and to its prevention, not only by denouncing it, but also by providing children and their advocates with legal assistance or helping Governments devise appropriate prevention and protection measures. NGOs should also support efforts to ensure that children's views were taken into account, and provide support to parents' associations. They should, however, ensure that their action did not serve as a pretext for the State to shirk its own obligations.

13. Mr. BELL (Rapporteur of Working Group 2: Violence against Children in the Context of Law and Order) said that Working Group 2 specifically recommended to the Committee that it should urge States parties to the Convention to review all their relevant domestic legislation with a view to the urgent repeal of any law that allowed the imposition of unacceptable sentences

(death penalty or life imprisonment) for offences committed before the age of 18. States parties should also be urged to introduce laws banning all cruel, inhuman or degrading treatment (such as flogging or other corporal punishment) used for discipline or punishment within the juvenile justice system. States should review, inter alia, their prostitution, labour and migrant-status laws in order to ensure that children up to the age of 18 were not subject to their provisions or unduly brought into contact with the criminal justice system. In setting the age of criminal responsibility, due account should be taken of its impact on the way children were treated. States should also ensure that children accused of crimes were separated from those in need of protection measures (such as abandoned or neglected children); decriminalize "status offences" (such as truancy), more appropriately dealt with as a welfare concern; and ensure strict separation of children from adults in detention centres unless it was considered not to be in a child's best interests. Emergency or national security legislation must be carefully reviewed and should not be used inappropriately to target children perceived as a threat to public order, especially street children.

14. States should give urgent consideration to safeguards for the regularity of the procedure children faced in custody, especially compulsory representation of children by lawyers; the requirement that judges must establish whether the minor in question had been the victim of violence and, where appropriate, refer the information to the competent authorities; and strict observance of the time limits set for arrest and pre-trial detention without charge. A human rights commission or ombudsman's office should be empowered to investigate complaints of child abuse and to seek redress.

15. At the international level, Working Group 2 recommended the definition of a set of fundamental standards for juvenile justice systems and for their rigorous enforcement. The provisions of the Convention should be incorporated into the guiding principles of regional instruments and of domestic legislation. States should ratify the Rome Statute of the International Criminal Court in order to prevent certain practices used with children, which fell within its remit. The definition of torture should be modified as it related to children, given their lower threshold of pain and suffering.

16. Turning to awareness-raising action, he said it would be necessary to train the professional categories concerned, conduct campaigns against the negative public attitudes towards minorities and other groups, and collect accurate, up-to-date information on the number and condition of children in pre-trial detention.

17. Regarding prevention and alternatives to institutionalization, recourse should be had to local and traditional mechanisms - when compatible with international human rights standards and rules - as a means of diverting children from contact with the formal criminal justice system. In addition, direct dialogue should be encouraged between the police and street children through regular meetings and induction programmes.

18. On the question of monitoring, the Working Group also recommended that conditions in police and penal institutions should be the object of independent inspections. Where complaints and sanctions were concerned, it recommended that medical and mental-health services provided to children in detention should be independent of the detaining authorities and that children should be able to criticize them freely. Lastly, additional resources should be allocated for

improving the living conditions of children in care and the working conditions of the police and other staff; in that connection, parliaments' adoption of legislative frameworks could motivate the State to release resources to those ends.

19. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said her Office would study attentively the valuable and detailed recommendations formulated by the two working groups, notably the recommendation that her Office should organize a seminar at which all special rapporteurs and bodies concerned should study the problem of violence against children, and the measures to be adopted to combat the phenomenon more effectively. She hoped that all the recommendations would be implemented and would contribute to the development and full blossoming of children.

20. Mr. RODLEY (Special Rapporteur on torture) said that during a recent field mission he had witnessed for himself State violence against children detained in penal establishments. Only with genuine political will, both inside and outside prisons, would it be possible to eradicate such violence, the victims of which were much more numerous throughout the world. Once amended and adopted by the Committee, the recommendations of the two working groups would be a mainstay for all those who, at the national, international, governmental or non-governmental level, were fighting violence directly perpetrated against children by the State.

21. Mr. SILVA HENRIQUES GASPAR (Committee against Torture) said the Committee against Torture would take due account of the very detailed and useful recommendations formulated by the two working groups, and would make its contribution to the debate on violence against children in the light of those recommendations.

22. Ms. KARP, speaking on behalf of the Committee on the Rights of the Child, stressed that it was for the States parties to ensure that violence against children was brought to an end, wherever it occurred, whoever the perpetrators, and however serious; it would be good if "zero tolerance" at once became the watchword of efforts to combat violence against children.

23. The CHAIRPERSON thanked all those who had participated in the general discussion, adding that during its current session the Committee would study the recommendations submitted by the working groups, on the basis of which it would adopt its own.

The meeting rose at 6 p.m.